IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15662 of 2004

Between:

M/s.Sharat Industries Ltd., rep.by its M.D., Mr.S.Prasad Reddy, S/o.Sri S.Venkata Reddy,
R/o. office at Koduru Venkannapalem village, T.P.Gudur Mandal,
Nellore Dist.

..... PETITIONER

AND

1 The Secretary, Agricultural Market Committee, Nellore Dist.
2 The Director of Marketing, Govt. of A.P.,BRK Bhavan, Opp.Secretariat, Hyderabad.
3 The Govt. of A.P.,rep.by its Prl.Secretary, (Food & Agrl. Dept.), Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the circular bearing No.1 (2) 119/93, dated 28-7-2004 issued by the 2nd respondent to levy or collection of development cess @ Rs.0.5% on prawns meant for export is illegal, arbitrary, erronerous, highhanded and violative of provisions of A.P. (Agricultural produce and Livestock) Markets Act, 1966 and also violative of Articles 14, 19(1) (g), 21, 300A, 301, 276 and 272 of the Constitution of India and also declare that the action of the Respondents in detaining the containers of export oriented prawns during the transit or at the check post for payment of development cess in pursuance of the circular mentioned supra is illegal, arbitrary and violative of the Markets Act and consequently direct the respondents not to act upon the circular No. I(2) 119/93, dated 28-7-2004 for collection of development cess and not to insist the petitioner for payment of the said Development cess under circular No.I(2) 119/93, dated 28-7-04 and pass such other

order or orders.

Counsel for the Petitioner: MR.Y.V.RAVI PRASAD

Counsel for the Respondent No.1: Mr.P.Venkateswarlu.

Counsel for the Respondent No2 and 3: GP FOR AGRICULTURE

The Court made the following <u>ORDER:</u>

It is brought to my notice by the learned Government pleader for Cooperation that the impugned circular dated 28.07.2004 has been withdrawn under the proceedings of the Commissioner and Director of Marketing in Circular No.L(2)1257/2004, dated 31-08-2004.

In the circumstances, the writ petition is dismissed as infructuous. No costs.

_____

01-08-2004

klp

To

1 The Secretary, Agricultural Market Committee, Nellore Dist.
2 The Director of Marketing, Govt. of A.P.,BRK Bhavan, Opp.Secretariat, Hyderabad.
3 The Govt. of A.P.,rep.by its Prl.Secretary, (Food & Agrl. Dept.), Secretariat Buildings, Hyderabad.

4 2CCs to G.P. for Agriculture, High Court buildings, Hyderabad.(OUT).

5 Two C.D. copies.